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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/933,738

08/22/2001

Kaoru Kobayashi

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10/12/2006

PAUL A. GUSS

PAUL A. GUSS ATTORNEY AT LAW
775 S 23RD ST FIRST FLOOR SUITE 2
ARLINGTON, VA 22202

EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,738

Applicant(s)

KOBAYASHI, KAORU

Examiner

FIRMN BACKER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wachtfogel et al. (U.S. PG Pub No. 2002/0138831) in view of Merriman et al (U.S. Patent No. 5,948,061).
4. As per claim 1 and 13 Wachtfogel et al. teaches an advertising system (*advertisement in an end user controlled playback environment, 10*), which provides advertisements (*transmit advertisements*) on a display (*displaying*) of a computer (*user unit, 20, 35*) through a network (*network, 30*) communications system (*satellite system, 25*), comprising storing means (*memory, 220*) comprising multi-level storage hierarchy for storing advertisements in which multilevel hierarchy gradually fractionalize advertisement areas thereof (*see paragraph 0174*), categorizing the advertisements according to levels of fractionalization and area sections within the levels (*see paragraph 0174*), and categorizing the advertisements according to the content thereof (*see*

paragraph 0174), data receiving means (*user unit*) for receiving from the computer perusal data indicating the levels of fractionalization, the area sections within the levels and the content of the advertisements (*see paragraph 0174*), retrieving means for retrieving, from information stored in the storing means, advertisements categorized according to the levels of the fractionalization, the area sections and the content of the advertisements, all of which are concerned with the perusal data received by the data receiving means, and data transmitting means for transmitting to the computer advertisement data on the advertisements retrieved by the retrieving means (*see paragraph 0175, 0176*). Watchfogel et al fail to teach an inventive concept wherein advertisements are arranged into more specific geographic area by categorizing the advertisements as to belong to respective levels of geographic fractionalization within a multi-level storage hierarchy, categorizing the advertisements according to area sections within respective levels, and categorizing the advertisements according to the content thereof. However, Merriman et al teach inventive concept wherein advertisements are arranged into more specific geographic area by categorizing the advertisements as to belong to respective levels of geographic fractionalization within said multi-level storage hierarchy, categorizing the advertisements according to area sections within said respective levels, and categorizing the advertisements according to the content thereof (*see col. 5 line 10-63*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Watchfogel et al to include Merriman et al's inventive concept wherein advertisements are arranged into more specific geographic area by categorizing the advertisements as to belong to respective levels of geographic fractionalization within said multi-level storage hierarchy, categorizing the advertisements according to area sections within said

respective levels, and categorizing the advertisements according to the content thereof because this would have permitted advertisements to be specifically targeted at subscribers by creating an infrastructure, system, and methods for delivering these targeted advertisements.

5. As per claim 2, Wachtfogel et al. teaches an advertising system wherein the data receiving means further comprises means for receiving from the computer for providing advertisements category data on the levels of the fractionalization with respect to the advertisements, the area sections on the levels and the content of the advertisements; and the storing means further comprises means for storing the advertisements by categorizing them based on the category data received by the data receiving means (*see paragraph 0174*).

6. As per claim 3, Wachtfogel et al. teaches an advertising system wherein the storing means further comprises means for storing the advertisements containing common content in given area limits within higher levels of the fractionalization (*see paragraph 0174*).

7. As per claim 4, Wachtfogel et al. teaches an advertising system further comprising a counter for counting the number of the advertisements containing the common content in given area limits, according to the content of the advertisements, wherein the storing means further comprises means for storing a higher number of the advertisements containing the common content in given area limits within the higher levels of the fractionalization (*see paragraph 0174*).

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8. As per claim 5-8, Wachtfogel et al. teaches an advertising system wherein the computer comprises a mobile computer which is small and portable in size (*see fig 1, 2*).

9. As per claim 9-12, Wachtfogel et al. teaches an advertising system wherein the storing means comprises means for storing both job advertisements as part of the advertisement and employment periods as part of the content of job advertisements and the data transmitting means comprises means for transmitting to the computer advertisement data on job advertisements, enabling the computer to display job advertisements of advertisement data in chronological order according to each employment period (*see paragraph 0174*).

Conclusion

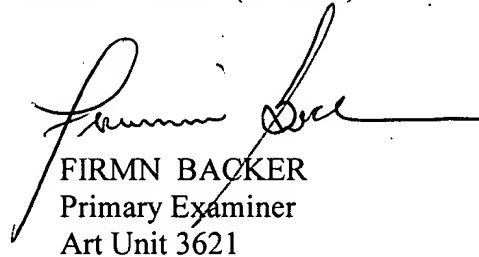
Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703.

The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FIRMN BACKER
Primary Examiner
Art Unit 3621

October 1, 2006